

REMARKS

Claims 13-24 are presented. Claims 13 and 15 are independent, and the rest are dependent. All of the claims have been amended by amendment of the independent claims and in other respects, and it is respectfully submitted that the claims as amended are in condition for allowance. Favorable reconsideration of the application is respectfully requested.

The Office Action states in box 13 on page 1 and in section 1 on page 2 that applicant has not filed a certified copy of the Danish priority application. According to the "Notification Concerning Submission or Transmittal of Priority Document" mailed August 3, 1999, which is in applicant's file and should also be in the Examiner's file, the priority document, namely Danish application PA 1998 0833, was filed in the International application on July 13, 1999. It is respectfully requested that the Examiner confirm receipt of the priority document.

In section 1 on page 2 of the Office Action, claims 13, 14, 19, 20, 23 and 24 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner notes objectionable phrases including "preferably," "for instance," and "such as" and requires correction. The amended claims delete those phrases and others deemed to be not in accordance with U.S. patent practice. Withdrawal of the rejection under 35 U.S.C. §112, second paragraph, is respectfully requested.

In section 4 on page 2 of the Office Action, claims 14, 16, 17 and 19 are objected to because of some misspelled words. The spellings have been corrected, and withdrawal of the claim objection is respectfully requested.

In section 6 on page 3 of the Office Action, claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over a U.S. patent to Yamada No. 4,427,404 in view of a U.S. patent to Willis No. 3,673,757. In section 7 on pages 3 and 4 of the Office Action, claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Yamada in view of Willis and further in view of a U.S. patent to O'Connor No. 6,053,608 and a U.S. patent to Ito et al. No. 4,469,243. In section 8 on pages 4-6 of the Office Action, claims 15-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Yamada patent in view of a U.S. patent to Ellis No. 5,516,256 and the Willis patent. In section 9 on pages 6 and 7 of the Office Action, claims 19-22 and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Yamada patent in view of the Ellis and Willis patents and further in view of the O'Connor patent. In section 10 on page 8 of the Office Action, claim 23 is rejected under 35 U.S.C. §103(a) as being unpatentable over the Yamada patent in view of the Ellis and Willis patents and further in view of a U.S. patent to Reider No. 6,071,223 and the O'Connor patent.

The Examiner recognizes that no single document relied upon is a complete anticipation of any of the claims. The Examiner contends, however, that the combined teachings of the documents relied upon, as applied to the respective claims, rendered the inventions as defined by those claims obvious to a person having ordinary skill in the art at the time the invention was

made. In particular, the Examiner relies upon the Yamada and Willis patents for the rejection of the independent claims and indeed of all the claims.

The Examiner notes that the Yamada patent discloses a packed tape comprising at least one folded tape and a package made of plastic sheet. The tape is zigzag folded into at least one oblong stack. The Examiner notes that the Willis patent discloses a tape that is zigzag folded into at least one oblong stack in such a manner that some of the bendings of the tape are flush with the ends of the stack whereas the remaining bendings are positioned at varying distances therefrom. The Examiner contends that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the stack of Yamada to include a staggered stack of Willis for the purpose of allowing the layers to be unfolded without hindrance.

The rejections are respectfully traversed. All of the claims have been amended by amendment of the independent claims.

Independent claim 13 is directed to the combination of a packed germinating tape comprising at least one folded tape and a package. The combination is characterized in that the tape is zigzag folded into at least one oblong stack in such a manner that some of the bendings of the tape are flush with the ends of the stack whereas the remaining bendings are positioned at varying distances therefrom, thereby facilitating pulling the tape out of the package.

Independent claim 15 has been similarly amended and in particular specifies that the

zigzag folding of the tape facilitates pulling the tape out of the package.

The invention as defined by the amended claims is neither disclosed nor suggested by the documents relied upon.

The Yamada patent discloses tapes T, accumulation boxes 9, 9', rocking plates 52, 53, 52', 53', and tape feed rolls 17, 17'. The invention relates to stacking and accumulating a tape of indefinite length such as a fastener tape, fastener chain, or the like (1:6-17). The patent notes that in the prior art there is no compression means to increase the compactness of the folded tape stack (1:38-39). In accordance with the invention as disclosed in the patent, the top of the tape stack is pressed down from the top of the accumulation box to thereby form compact folded tape layers in the box resulting in an increase in the amount of tape stacked in the accumulation box to several times that in the prior art (1:48-62). This compression feature is also recited in the independent claim of the patent.

The Willis patent discloses a method of making three- or four-way taper pillows from a web of soft compressible material that is folded into a batt and encased in a pillow tick (abstract).

Thus neither document relied upon for the rejection of independent claim 13 would lead a person having ordinary skill in the art to the present invention. Yamada's purpose is to increase the packing density. Willis's purpose is to make a soft, tapered pillow. Certainly material that is folded into a batt and encased in a pillow tick is not intended to be withdrawn, and a person

seeking to facilitate pulling a germinating tape out of a package would not be instructed by the documents relied upon how to accomplish this. In fact, a person of ordinary skill in the art would not even consult those documents, because they are directed to subject matter that is unrelated to the subject matter of the invention.

Germinating tapes, which are the subject matter of the present invention, are most efficiently dispensed from a germinating box on a bedding machine (see the first paragraph on page 2 of the application). Once the packed tape has been placed in the germinating box and one end of the package has been opened, the resulting tape can be unproblematically pulled out to through the dispensing opening of the germinating box, i.e., without the tape wedging in the dispensing opening or being damaged when passing the opening (application, page 2, lines 10-14).

The objects of the invention are readily obtained by the combination of a packed germinating tape and a package as in claims 13 and 14 and by the method of claims 15-22. Those objects cannot be attained by any teaching found in Yamada and Willis.

The other documents relied upon the Office Action are cited as disclosing various subsidiary features, including the following:

The O'Connor document is cited for a disclosure of a packed tape comprising several stacks arranged in parallel wherein the package is a box and separating sheets are employed

between the stacks.

The Ito patent is cited for a disclosure of a packed tape comprising several stacks arranged in parallel with separating sheets inserted between the stacks.

The Ellis patent is cited for a disclosure of side means used for stacking a material in a zigzag formation, wherein side lowering means are formed by a substantially vertical, endless, circulating lowering belts.

The Reider patent is cited for a disclosure of a tape lowering means comprising an electronic control unit for controlling the reciprocating movement of the tape lowering means.

These auxiliary references do not overcome the deficiency of the Yamada and Willis patents, relied upon for the rejection of independent claim 13, as a disclosure or suggestion of the invention as defined in the claims as resubmitted.

The remaining documents of record, whether considered separately, in combination of one another, or in combination with the documents relied upon, equally fail to disclose or suggest the present invention as defined in the amended claims.

It is accordingly respectfully requested that the Examiner enter this amendment, withdraw the outstanding rejections, and issue a notice of allowance.

PATENT
S.N. 09/720,446
1175/63852

If a telephone interview would expedite prosecution of the application, the Examiner is requested to call undersigned counsel.

Respectfully submitted,
COOPER & DUNHAM LLP

A handwritten signature in cursive script, appearing to read "Donald S. Dowden".

Donald S. Dowden
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VERSIONS WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Claims 13-24 have been amended as follows:

--13. (Amended) [A] In combination, a packed germinating tape [(1)] comprising at least one folded tape [(2)] and a package [(3, 40) preferably made of plastic sheet], [characterised] characterized in that the tape [(2)] is zigzag folded into at least one oblong stack in such a manner that some [(2a)] of the bendings of the tape are flush with the ends of the stack whereas the remaining bendings [(2b)] are positioned at varying distances therefrom, thereby facilitating pulling the tape out of the package.--

--14. (Amended) A [packed tape] combination as claimed in claim 13, [characterised] characterized in that the packed tape comprises several stacks arranged in [paralle] parallel, and that the package is selected from the group consisting of a plastic sheet and a cardboard box[, for instance made of cardboard,] and that separating sheets are [optionally] inserted between the stacks.--

--15. (Amended) A method of producing a packed, flexible, folded germinating tape [comprising a folded tape (2)] and a package [(3, 40)], [characterised] characterized in that the tape [(2)] is advanced continuously [optionally] from a tape supply [(35)] to a packing location where said tape [(2)] is zigzag folded by virtue of its weight and by means of side

lowering means [(12, 12_a, 12')] into at least one oblong stack on the bottom [(16)] of the package [(3)] formed as a bag or a box in such a manner that some [(2_a)] of the bendings of the tape are flush with the ends of the stack and that the remaining bendings [(2_b)] are positioned at varying distances therefrom, thereby facilitating pulling the tape out of the package, and that after the filling of the package [(3)] the layers of the stack are compressed and the package is closed.--

--16. (Amended) A method as claimed in claim 15, [characterised] characterized in that the [used] side lowering means are formed by substantially vertical, endless, circulating lowering belts [(12)], the downward courses [(12_a)] of said lowering belts opposing one another and being arranged at the ends of the stack, whereby the zigzagged tape [(2)] forms bendings [(2_a)] as said downward courses [(12_a)] are tangent to the outermost tape bendings [(2_a)].--

--17. (Amended) A method as claimed in claim 15, [characterised] characterized in that the zigzag folding of the tape is carried out by means of at least one tape lowering means [(25)] pivotally suspended [(30)] above the packing location, whereby each tape lowering means comprises two co-acting endless circulating belts [(26, 27)] passing the tape downwards therebetween, and whereby the zigzag folding is controlled by the oscillating movement of the tape lowering means [(25)] in combination with the tape laying speed.--

--18. (Amended) A method as claimed in claim 15, where the germinating tape [is a

germinating tape of for instance] comprises two layers of paper, [characterised] characterized in that the [germinating] tape is of a width corresponding to a maximum of 90% of the distance between the walls of the package [(3)].--

--19. (Amended) A method as claimed in claim 15, [characterised] characterized in that the zigzag folding [an dthe] and the compressing of the tape [(2)] to be packed is carried out in a compartment defined by the lowering belts [(12)] and some side guides [(15), such as plates or bars], and towards the bottom [(16)] by a package[, such as a bag,] placed on [an optionally] a stepwise, laterally displaceable support, whereby after the compressing of the tape the package can be rolled up and closed about the stack at the same time as the compartment is removed.--

--20. (Amended) A method as claimed in claim 15, [characterised] characterized in that the bag [(3)] used is made of shrink film, and that the package[, such as the bag,] is subjected to a shrinking after its closing[, for instance a hot air shrinking].--

--21. (Amended) A method as claimed in claim 15, [characterised] characterized in that the packing is carried out under vacuum.--

--22. (Amended) An assembly used in carrying out the method as claimed in claim 15, [characterised] characterized in that it comprises an upwardly and downwardly open compartment, the opposing ends of which are provided with side lowering means in form of

endless circulating belts [(12)], where the belt courses [(12a)] facing the interior of the compartment move downwards, said assembly further comprising a frame [(22)] surrounding the compartment and retaining and [optionally] distending a package [(3, 40)] about said compartment, as well as a supporting means [(18)] for the package [(3, 40)], said supporting means being accommodated below the compartment and the frame and being separately adjustable in height and [optionally] stepwise, laterally displaceable.--

--23. (Amended) An assembly used in carrying out the method as claimed in claim 15 [characterised] characterized in that it comprises at least one tape lowering means [(25)], which is [preferably] level adjustable and movable in the vertical direction during operation, and which is pivotally arranged about a point [(30)] of the upper end of said tape lowering means, and which [per se] comprises two abutting endless circulating belts [(26, 27)], where the opposing belt courses [(26a, 27a)] run downwards, said assembly further comprising an electronic control unit [(34)] for controlling the reciprocating movement of the tape lowering means [(25)] and the adjustment in height and [optionally] the stepwise, lateral displacement of a supporting means [(18)].--

--24. (Amended) An assembly as claimed in claim 22, and where the bag [(3)] is made of shrink film, [characterised] characterized in that it comprises a compressing means [(24)] for the stack and a film shrinking equipment, [preferably] of the hot air or heat radiation type.--